

DEC 13 2004

**TRANSMITTAL LETTER
(General - Patent Pending)**

Docket No.
DI-5828 (112713-440)

In Re Application Of: Robert W. Childers et al.

Application No.	Filing Date	Examiner	Customer No.	Group Art Unit	Confirmation No.
10/624,150	July 17, 2003	K. Sirmons	29200	3763	5656

Title: **SYSTEMS AND METHODS FOR PERFORMING PERITONEAL DIALYSIS**

COMMISSIONER FOR PATENTS:

Transmitted herewith is:

Submittal of Response to Restriction/Election Requirement (2 pgs.); Return receipt postcard.

in the above identified application.

- ☒ No additional fee is required.
- ☐ A check in the amount of _____ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. **02-1818** as described below.
- ☐ Charge the amount of _____
- ☐ Credit any overpayment.
- ☒ Charge any additional fee required.
- ☐ Payment by credit card. Form PTO-2038 is attached.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.



Signature

Dated: **December 10, 2004**

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the "Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450" [37 CFR 1.8(a)] on

12/10/2004

(Date)


Signature of Person Mailing Correspondence

Heather Foster

Typed or Printed Name of Person Mailing Correspondence

cc:



IFW

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Robert W. Childers et al.
Appl. No.: 10/624,150
Conf. No.: 5656
Filed: July 17, 2003
Title: SYSTEMS AND METHODS FOR PERFORMING PERITONEAL DIALYSIS
Art Unit: 3763
Examiner: K. Sirmons
Docket No.: DI-5828 (112713-440)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22312-1450

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Examiner:

Please enter the following Response in the above-identified patent application.

REMARKS

In response to the restriction/election requirement mailed on September 13, 2004, please enter the following Response. The restriction/election requirement requires Applicants to elect one of the following inventions under 35 U.S.C. § 121:

- I. Claims 1 to 30 drawn to a system for providing peritoneal dialysis to a patient, classified in class 604, subclass 29.
- II. Claims 31 to 65 drawn to a method of providing peritoneal dialysis to a patient, classified in class 128, subclass 898.

Applicants elect with traverse Group I, Claims 1 to 30.

The restriction/election requirement also requires Applicants to elect one of the following species under 35 U.S.C. § 121:

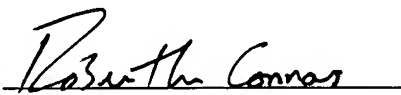
Species I, Fig. 1;
Species II, Fig. 2;
Species III, Fig. 3A;
Species IV, Fig. 3B;
Species V, Fig. 4A;
Species VI, Fig. 4B;
Species VII, Fig. 5A; and
Species VIII, Fig. 5B

Applicants elect, with traverse, species VII and VIII of Figs. 5A and 5B. Applicants are further required to list all claims readable on the elected species. Applicants respectfully submit that Figs. 5A and 5B show two different states of the system shown in Figs. 5A and 5B (see top of page 29 of application), not two different species. Notwithstanding the above-stated reason for traverse, Applicants submit that Claims 1 to 30 read on the elected species.

Applicants traverse also concerns the finding that no claims are generic. Applicants respectfully submit that the elected claims are generic with respect to many of the species designated above.

Respectfully submitted,

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BY 

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